



U.S. DEPARTMENT of STATE

Thailand

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Thailand is a democratically governed constitutional monarchy. The King exerts strong informal influence but has never used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. In 2001, a coalition government led by Prime Minister Thaksin Shinawatra's Thai Rak Thai Party was formed following the January general elections. The election process was viewed as generally free and fair; however, it was marred by widespread vote buying and the killing of some political canvassers during the campaign. Parliamentary elections were scheduled for February 6, 2005. Violence attributed to Muslim separatist insurgents in the southern part of the country resulted in almost daily reports of violence against government authorities and civilians at year's end. The judiciary is independent but was subject to corruption.

While the civilian authorities generally maintained effective control of the security forces, in some instances elements of the security forces acted independently of government authority. The national police force is under the direct authority of the Police Commissioner, who reports to the Prime Minister. The military forces are under the jurisdiction of the Ministry of Defense. With the exception of specific, limited military authority along the country's borders, the police have responsibility for internal security. Elements of both the armed forces and the police had a reputation for corruption. Some members of the security forces committed serious human rights abuses.

The economy was market oriented with a strong tradition of private enterprise, although state enterprises played a significant role in some sectors. The country had a population of approximately 64 million. Gross domestic product (GDP) growth was estimated to be 6 to 7 percent for the year. Annual per capita income was approximately \$2,237. According to the National Statistical Office, approximately 40 percent of all employed workers were employed in the agricultural sector, although agriculture only accounted for approximately 10 percent of GDP. There was a lack of transparency in bureaucratic decisionmaking, and some areas of Government remained vulnerable to corruption.

The Government generally respected the human rights of its citizens; however, there were significant problems in some areas. Separatist violence in the extreme southern region of the country resulted in the deaths of more than 180 persons at the hands of security forces. Heightened tensions due to the violence and increased security measures led to occasional clashes with the police and to growing resentment among the local populace in the affected region of the country. Police occasionally beat suspects to coerce confessions. The Government announced investigations in many instances but failed to prosecute vigorously those who committed such abuses, contributing to a climate of impunity. A culture of corruption persisted in many parts of the civilian bureaucracy and in some units of the security forces. Routine demands for bribes undermined the rule of law and permitted the continuation of various illegal activities, including trafficking in persons, sexual exploitation, and prostitution. Conditions in prisons and some provincial immigration detention facilities remained poor. Prolonged pretrial detention, including of aliens, remained a problem. The judiciary suffered from corruption, and, at times, security forces infringed on citizens' privacy rights. The media, while still vigorous, feared lawsuits against individuals or media outlets and practiced some self-censorship. There were some restrictions on freedom of religion and freedom of movement. At times, the Government hindered the activity of some human rights groups. The 1997 Constitution increased legal protections for women and persons with disabilities; however, some inequities in the law remained, and some protections were not enforced. Violence and societal discrimination against women were problems. Trafficking in women and children were serious problems, as were coerced prostitution and labor. Societal discrimination against hill tribes and religious and ethnic minorities continued. Workers' freedom to associate was undermined by deficient legal protections, their right to bargain collectively was inadequately protected, there were reports of forced labor, and the worst forms of child labor occurred in the country.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of politically motivated killings by the Government or its agents; however, security forces continued to use excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary, and unlawful killings.

On April 28, elements of the police and military killed more than 100 persons while repelling multiple attacks in Yala, Pattani, and Narathiwat Provinces by unnamed separatist Muslim men. Of this total, 32 were killed at Krue Se mosque in Pattani, when security forces stormed the mosque after a 9-hour standoff. According to an official independent commission report on the Krue Se mosque incident, the commander on the scene ordered the raid after failed negotiations and the deaths of three soldiers. Civilian authorities in Bangkok, including the Deputy Prime Minister in charge of security, claimed that the raid was conducted without their approval. The commission concluded that force was used when negotiations would have been more appropriate and that the level of force employed was excessive. There were at least two other reports of civilian deaths at the hands of security forces after the April clashes. On September 6, Iimin Nehlae reportedly was shot in the back and killed while under control of paramilitary rangers. Four paramilitary soldiers were charged with murder. At year's end, a special judiciary panel was established to determine whether the case should be tried by a civilian or a military court.

On June 21, environmental activist Charoen Wataksorn was shot and killed while returning home after testifying at the Parliament against the purchases of public land to be used for a proposed coal-fired power plant. Five persons--two gunmen and three "masterminds"--were charged in connection with his killing, including a provincial official. The gunmen remained in custody, while the three others were granted bail.

On October 25, 78 Muslim detainees being transported to an army camp after a violent demonstration in Tak Bai, Narathiwat Province, died from asphyxiation after police and military forces stacked them horizontally onto truck beds for transport in numbers far surpassing the capacity of the vehicles. In December, an independent commission issued a report concluding that three senior security officials, including the Fourth Army commanding general, failed to perform properly their duty and responsibility to monitor their subordinates in transporting detainees in a humane manner. The commission stated that seven persons remained missing. The commission suggested no legal action or punitive recommendations, but the Government directed the Ministry of Defense to conduct a military disciplinary investigation of the three senior officers cited in the report, and it also directed the Police Department to conduct a criminal investigation. In addition, the Government established a committee to provide assistance and compensation to victims and their families.

During the year, at least a dozen provincial or district level officials or their political operatives, such as canvassers, were killed. Police investigations indicated that many of incidents were "politically motivated," but in some cases personal or business disputes were the suspected motive.

On September 17, Rapin Ruankaew, a Pattani provincial court judge, was shot and killed by three gunmen on his way to work. Police arrested a student of a local "pondok" Islamic school. Three other alleged accomplices remained at large.

No progress was reported in the investigations into the extrajudicial killings of approximately 1,300 suspected drug traffickers during the Government's 3-month "War on Drugs" campaign from February through April 2003. The Narcotics Control Board chaired two committees investigating the killings. The Government maintained that the deaths were the result of disputes between those involved in the drug trade. Local and international human rights groups, including the National Human Rights Commission (NHRC), disputed this claim and called for thorough investigations of all extrajudicial killings.

When the Government investigated extrajudicial killings, it prosecuted few of the accused police or military officers. Senior prosecutors and nongovernmental organization (NGO) legal associations claimed that most cases against police or military officers accused of extrajudicial killings eventually were dismissed because regulations outlined in the Criminal Code require public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. The resulting routine exoneration of police officers contributed to a climate of impunity that persisted in preventing any major change in police behavior. It also discouraged relatives of victims from pressing for prosecution. Procedures for investigating suspicious deaths, including deaths occurring in police custody, required among other things that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that family members have legal representation at the inquests. However, these procedures often were not followed. Families rarely took advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. There was no information available to determine how many cases were settled out of court. However, in cases in which suits were filed, the official charged often compensated the family of the deceased, and the lawsuit was waived. Compensation varied widely, from \$3,750 (150,000 baht) to \$75,000 (3 million baht).

There continued to be no developments in the 2002 killings in Chiang Rai, where police officers killed several civilians suspected of drug trafficking.

According to the Ministry of Interior's Investigation and Legal Affairs Bureau, during the first 9 months of the year, 1,632 persons died in prison or police custody, 131 due to the actions of police officers (see Section 1.c.). Authorities attributed most of these deaths to natural illness. Following an investigation into the January 2003 death of a detainee at the Kanchanaburi police station, the provincial public prosecutor charged a police corporal with murder; the trial continued at year's end.

No one was charged in the 2003 deaths of detainees in the Muang Surathani police station, despite an aggressive investigation by the NHRC, which suspected that the victims died from beatings by policemen. The victims' cellmates were charged with murder; their case was referred to the criminal court, but no progress was made during the year.

Beginning in April, there were almost daily reports of separatist violence against government representatives, including teachers and court officials. Occasional bombings, sometimes in public areas, resulted in death and injury.

According to the Thailand Mine Action Center, through October, 11 persons were reported killed and 8 injured by landmines in border areas. Some of these incidents were caused by land mines from former conflicts on the Laotian and Cambodian borders, while others were attributed to recent conflicts on the Burmese border.

b. Disappearance

On March 12, Muslim attorney and human rights activist Somchai Neelapaijit disappeared. Somchai, who represented five Muslim defendants charged with raiding a military camp in Narathiwat Province on January 4, also was the lead attorney for three persons suspected of membership in the Jemaah Islamiya terrorist organization. In April, five police officers were charged with kidnapping and robbery in the Somchai case and released on bail in June. A trial date was set for August 9, 2005. At year's end, Somchai remained missing.

The media, human rights NGOs, and some members of the opposition Democrat Party petitioned the Government to investigate reported disappearances of mostly Muslim men in some southern provinces, particularly Narathiwat. In June, five men illegally detained Sukip-li Asae in Narathiwat. After villagers intercepted the vehicle used to abduct Asae, uniformed police officers freed him. The five men later were identified as police officers. At year's end, an internal police investigation was pending, but no charges had been filed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and the Criminal Code prohibit such practices; however, NGOs and legal organizations continued to report that some members of the police occasionally tortured and beat suspects to obtain confessions. During the year, there were newspaper reports of numerous cases in which citizens accused police of using brutality, threatening false charges, and extorting bribes. Investigations were undertaken in most of the cases, including several in which the accused police officers were suspended pending the result of internal investigations.

In November, a 28-year-old man and his 17-year-old wife, who gave birth to a child in her prison cell, were freed from Lumpini police station in Bangkok after being held for 102 days. No criminal charges were filed by police, who claimed they arrested the couple on July 27 for suspected theft of computer equipment. The couple also claimed that police beat them and robbed them of their personal items. Police Major Kriangsak Thipchoi later was temporarily suspended from the police force, pending an investigation by an internal police panel.

Also in November, police in Ayutthaya and Uthai Provinces reportedly tortured a man after arresting him for suspected robbery. Police beat and applied electric shock to the man's genitals to coerce a confession. Twenty-three members of the police were transferred to Bangkok in connection with the incident, pending an internal police investigation.

On March 10, five suspects in the January 4 Narathiwat military camp raid alleged that police beat and administered electric shocks to them to obtain confessions. The suspects filed a formal complaint with the Ministry of Justice through their lawyer, Somchai Neelapaijit, who was missing at year's end (see Section 1.b.). The suspects were transferred to a prison in Bangkok, and in May, all charges related to the January 4 incident were dropped. However, only one suspect was freed; the other four were rearrested by Narathiwat police on unrelated charges. Police opened an internal investigation of the officers suspected of abuse, but at year's end no criminal charges had been filed.

Six local officials remained free on bail in connection with the May 2003 killing of six Burmese laborers in Mae Sot. The officials were relieved of their duties and their cases referred to the criminal court, but no trial date had been set at year's end.

In July, the police sergeant accused in the 2002 rape of a female detainee at a Bangkok police station was sentenced to 18 years in prison. Also in July, a 36-year-old Karen man accused in a 2002 bus attack in Ratchaburi Province was exonerated of all wrongdoing and freed. He was granted special resident status so that he could remain in the country with his family.

There were no developments in the trial of three soldiers accused of the 2002 alleged rape of two female refugees from Burma.

Prison conditions were poor and severely overcrowded but, in general, did not pose a serious threat to the life or health of inmates. The total prison population of approximately 170,500 inmates was held in 139 prisons and detention centers designed for a maximum of 100,000 prisoners. Sleeping accommodations were insufficient. Medical care in prisons was inadequate, but the number of full-time medical professionals increased significantly. The Corrections Department employed 17 full-time doctors, 147 full-time nurses, and 6 full-time dentists. There were 17 part-time doctors to supplement the permanent medical staff. Construction was completed on a 500-bed hospital at Klong Prem Prison, but the hospital had not opened at year's end. Prison authorities sometimes used solitary confinement of not more than 3 months to punish difficult male prisoners who consistently violated prison rules or regulations. They also used heavy leg irons to control prisoners who were deemed at risk of escape and often for prisoners serving life sentences or on death row.

Male and female prisoners in official detention centers and prisons were segregated. However, approximately 11 percent of the total prison population were pretrial detainees, who were not segregated from the general prison population. Men, women, and children often were held together in police station holding cells pending indictment. Juveniles were held separately in 34 of the

76 provinces, but they were detained with adults in some regions of the country.

Conditions in Bangkok's Suan Phlu Immigration Detention Center continued to improve during the year; however, conditions in nine provincial detention centers remained poor. Immigration detention facilities were administered by the Immigration Police Bureau, which reported to the Prime Minister's Office, and were not subject to many of the regulations that governed the regular prison system. There were credible reports that guards physically abused detainees in some detention centers. Overcrowding and a lack of basic medical care continued to be serious problems.

On February 20, 8 persons under the custody of the Immigration Police were killed and 18 seriously injured in a vehicle accident while being transported for removal to the Burmese border. The truck-style vehicle, originally designed to seat 20 passengers, was loaded with more than 100 persons, including 4 children.

Access to prisons was not restricted, and the Government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. In practice, the system for issuing arrest warrants was subject to misuse by police officers who provided false evidence to courts to obtain arrest warrants. Under the Constitution, persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. Detainees have the right to have a lawyer present during questioning; however, police often ignored this right in practice. Foreign prisoners sometimes were pressured to sign confessions without the benefit of a competent translator.

The Royal Thai Police (RTP) is under the direct supervision of the Prime Minister and a 20-member Police Commission. The RTP consisted of approximately 200,000 officers in 10 geographic regions. The Police Commissioner-General is appointed by the Prime Minister and subject to cabinet and royal approval. Border Patrol Police have special authority and responsibility in border areas to combat insurgent or separatist movements.

Corruption remained widespread among police officers. Police officials complained that low pay made them susceptible to bribes. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. Complaints of police abuse can be filed directly to the superior of the police officer accused, the Office of Inspector General, or the Police Commissioner-General. The NHRC, the Law Society of Thailand, the National Counter Corruption Commission (NCCC), and the Office of the Prime Minister also accept complaints of police abuse and corruption, as does the Office of the Ombudsmen. When the Police Department receives a petition, an internal investigation committee first takes up the matter and may temporarily suspend the officer during the investigation. Various administrative penalties exist, and serious cases can be referred to the criminal court. During the year, the Police Inspector General received 77 petitions alleging police abuse or corruption. In nine cases, officers were found guilty, and disciplinary or administrative punishments were given out. The NCCC received 157 petitions alleging police abuse or corruption. No figures were available on actions taken by the NCCC on these complaints. The RTP increased professional training at the Central Police Academy and provincial police training schools.

The Constitution provides defendants the right to bail, and the Government generally respected this right. However, some human rights groups reported that police frequently did not inform detained suspects of their right to bail or refused to recommend bail after a request for bail was submitted by suspects to the court.

Some police officers were involved in prostitution and trafficking in women and children (see Section 5). In August, the Police Department, after an internal investigation, reinstated four police colonels who had been removed from active duty in July 2003 for allegedly accepting financial and sexual bribes. The status of approximately 40 other officers involved in this case was unknown.

The law requires the police to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest, with extensions of up to 3 days permitted. Police may seek court permission to hold suspects for additional periods (up to a maximum of 82 days for the most serious offenses) to conduct investigations. Laws and regulations place offenses for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have different procedures. In these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. Lawyers reported that police rarely brought cases to court within the 48-hour period. As in previous years, several Burmese activists were arrested and held generally on immigration violation charges.

Pretrial detention of criminal suspects for up to 60 days was common. Some foreigners from countries without diplomatic representatives in the country faced trial delays of many months.

Approximately 20,000 prisoners were freed in August as part of the 72nd birthday celebrations honoring Her Majesty Queen Sirikit.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary generally was regarded as independent, it was subject to corruption and influence.

In addition to an independent Constitutional Court, the civilian judicial system has three levels of courts: courts of first instance, courts of appeal, and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law (last imposed in 1992). The Constitutional Court is charged with interpreting the Constitution. Islamic (Shari'a) courts hear only civil cases concerning members of the Muslim minority. The law provides for access to courts or administrative bodies to seek redress, and the Government generally respected this right.

In February, the Constitutional Court upheld two antiterrorist decrees issued by the Prime Minister in August 2003 that provide punishments ranging from fines to the death penalty for terrorist crimes. This marked the first use of a provision in the Constitution that allows Parliament to refer executive decrees to the Constitutional Court for review.

There is no trial by jury. A single judge decides trials for misdemeanors; two or more judges are required for more serious cases. Trials often required years to complete because they ran sporadically, typically convening for a single day every few months. In January, new court procedures were enacted to provide for continuous processing of cases, rather than sporadic procedural court dates over a typical 2- to 3-year period. However, there remained a large backlog of pending court cases, resulting in an average wait of 12 to 18 months for most trials. While most trials are public, the court may order a closed trial, particularly in cases involving national security, the royal family, children, or sexual abuse. Justices nominated to the Constitutional Court or Supreme Administrative Court must be confirmed by the Senate; all other judges are career civil servants whose appointments are not subject to parliamentary review.

The Constitution provides for the presumption of innocence. Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provided free legal advice to the poor, but indigent defendants were not provided with counsel at public expense automatically. The court was required to appoint an attorney in cases where the defendant was a minor and in cases where possible punishment was imprisonment. Most free legal aid came from private groups, including the Law Society of Thailand and the Thai Women Lawyers Association.

The Constitution and the Criminal Code provide for access to counsel for criminal detainees; however, lawyers and human rights groups claimed that local police often ignored this procedure and conducted interrogations of suspects without providing access to an attorney.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

With limited exceptions, the Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. With a few exceptions, including crimes in progress, the Constitution requires police to obtain a warrant from a court prior to conducting a search. The Criminal Procedure Code provides standardized procedures for issuing warrants.

Police continued to conduct warrantless searches for narcotics in villages in the northern provinces. Such operations are permitted under both the Constitution and the 1976 Narcotics Prevention and Suppression Act in cases in which there is reasonable suspicion and an urgent search is deemed necessary. Some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights.

Security services monitored persons, including foreign visitors, who espoused extremist or highly controversial views.

Section 2 Respect For Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution, with some exceptions, provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. However, continued harassment and intimidation of journalists and editors encouraged self-censorship. On at least one occasion, libel laws were used to suppress criticism. Bans on some Internet sites occurred for the first time.

Under the Constitution and laws, the Government may restrict freedom of speech and freedom of the press to preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent criticism of the royal Family and insults to Buddhism.

The Government generally respected freedom of speech. Individuals could criticize the Government publicly and privately without official reprisal. The Government did not attempt to impede criticism through such means as monitoring political meetings.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict print or broadcast media, except by specific legislation in times of crisis. Journalists generally were free to comment on government activities without fear of official reprisal. Media criticism of political parties, public figures, and the Government was common and vigorous. However, the media practiced self-censorship, particularly with regard to the monarchy and issues involving national security. Self-censorship for fear of other political or economic repercussions, such as reassignment to other duties in a publication, termination of a broadcast program, or removal from a role in the production or presentation of a broadcast program, also was evident.

In December 2003, the Chiang Mai Criminal Court acquitted four noncommissioned army officers arrested in connection with the 2000 nonfatal shooting of the editor in chief of a Chiang Mai daily newspaper. The editor appealed the decision. Police continued to investigate the February 2003 death of Thai Rath newspaper reporter Surapong Ritthi.

Despite constitutional provisions, many observers expressed concerns regarding the independence of the press. On May 3, the Thai Journalists' Association issued a report stating that challenges to the media's rights and freedom had become more intense and serious. On September 1, Human Rights Watch condemned the Government's "increasing pressure" on the media and the use of libel suits to quell criticism. According to some members of the Thai Journalists Association, the Government used various means to increase control over the media, including direct control through ownership, the threat of withdrawing financial support and advertisements, constraints on the flow of information, and direct pressure on critical journalists and activists.

Newspapers and magazines generally were independently owned. During the year, investors with connections to politicians purchased large shares in some newspaper businesses, including the purchase of more than 10 percent of the Nation Multimedia Group, an organization widely viewed as an opposition media group.

State entities controlled and owned almost all radio and television stations. The military services retained ownership of 214 radio and television stations, ostensibly for national security purposes. Other owners of national broadcast media included the Government's Public Relations Department.

Television and radio stations must renew their licenses every year, and radio signals were broadcast via government transmitters. Stations are required by law to broadcast 30 minute government-produced newscasts twice daily. The Shin Corporation, which belonged to Prime Minister Thaksin's family, owned iTV, the country's only independent television station. However, iTV's programmers generally were free to determine the nature and content of the station's broadcasts.

Media reform efforts to establish an independent National Broadcast Commission (NBC) to assign broadcast frequencies and regulate the broadcast sector remained stalled. In 2003, the Supreme Court rejected a selection committee's proposed NBC membership list due to a lack of transparency in the selection process. At year's end, the names of 14 candidates were forwarded to the Senate, which was to select the final 7 members comprising the NBC.

Repeated delays in the implementation of the broadcast reforms resulted in attempts by some to establish their own community radio studios and transmitters. Because current broadcast regulations restrict radio frequencies to government entities, these independent community radio stations technically operated outside the law. A 2003 state community radio policy allowed the stations to continue "extra-legal" operations until laws and regulations were amended. By the end of the year, over 1,000 independent community radio broadcast stations were in operation. On September 3, the Government Public Relations Department (PRD) announced plans to allow 1,500 community radio stations and permit such stations to broadcast 6 minutes of commercials a day but limit them to 30 watts of power, a 30-foot antenna, and a range of 15 to 18 miles. The PRD has attempted to assert its regulatory control over the community radio stations, citing a 2003 cabinet resolution empowering the department to regulate all radio stations. The PRD, with the approval of the Deputy Prime Minister, attempted to register all community radio stations by the end of the year. Many community radio operators nationwide opposed these efforts. According to press reports, on December 14, approximately 200 members of the National Community Radio Federation threatened to stage a public protest if the PRD's efforts to register all community radio stations went forward. They expressed concerns that, if placed under PRD supervision, ruling government political parties could use the stations as campaign tools. By mid-December, despite PRD warnings that all unlicensed community radio operators would be arrested after February 2005, the PRD had received only approximately 500 applications.

Unlike in previous years, journalists were not subject to arrest or violence by the police or other government forces. Likewise, there were no reports of criminal, racist, rebel, or terrorist elements threatening journalists. There also were no reports that the Government revoked the visas of foreign journalists or confiscated newspapers or magazines.

The Government did not directly censor the media. The law permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. It also allows police to restrict or confiscate publications and other materials for disturbing the peace, interfering with public safety, or offending public morals. No such closures or seizures occurred during the year, nor did the Police Special Branch issue any official warnings. Books normally were not censored and circulated freely. Police have the authority to ban the importation of publications but did not exercise it.

Self-censorship appeared to have increased. In February, the management of the respected English-language Bangkok Post removed its editor via promotion. While the Post insisted the change was motivated by business concerns, media insiders widely believed the move was occasioned by the editor's sometimes critical stance towards the administration. Soon after the editor's removal, 80 Post journalists signed a statement deploring the "ominous signs" of political interference and demanding continued editorial independence. The editor continued to publish bylined editorials critical of the Government.

The Government reportedly attempted to intervene in the editorial departments of other newspapers via pressure on the newspapers' advertisers or allies to end their support if the newspapers continued to be critical of the Government.

Advertising revenue considerations also reportedly compromised editorial independence. During the year, the Thai Journalists' Association claimed some newspapers reconsidered criticism of government figures who purchased advertising or controlled the advertising placements of large government-owned entities.

Television stations occasionally censored or "blackened out" portions of programming that they deemed politically sensitive or pornographic. Such self-censorship was more common at state-controlled stations. A censorship board in the Office of the Prime Minister reportedly advised broadcasters either verbally or by letter of specific programs deemed inappropriate or offensive and advised programmers to be more careful in the future.

During the year, there were several court cases in which entities in the Government or associated with it used libel laws in apparent attempts to suppress media criticism. In June, a criminal court accepted a libel case filed by the Shin Corporation against Supinya Klangnarong, Secretary General of the NGO Campaign for Popular Media Reform; the small, Thai-language Thai Post newspaper; and Thai Post's three editors. The suit stemmed from a July 2003 Post story in which Supinya said that it appeared the Shin Corporation was a major beneficiary of the Prime Minister's policies. The Shin Corporation also filed a \$10 million (400 million baht) civil case against the same defendants. The criminal case was scheduled to begin July 2005, and the civil case arraignment was to follow the criminal case. Supinya stated that the suit had discouraged her from further criticizing specific businesses.

In another high-profile case, in 2002, four Constitutional Court judges and a state prosecutor filed a libel suit against Prasong Soonsiri, a former foreign minister and columnist for the opposition Naew Na newspaper. Prasong had written an article quoting academics who criticized the Court's acquittal of Prime Minister Thaksin in the 2001 asset-concealment case. On December 3, a criminal court found Prasong not guilty of defaming the judges but guilty of contempt of court by failing to respect the acquittal verdict. Prasong received a 1-year suspended sentence and had to pay a fine of \$175 (7,000 baht). The verdict was generally seen as a victory for Prasong.

Responding to allegations that the freedom of speech provided for in the Constitution was restricted by these uses of libel law, during the year, the Prime Minister stated that freedom of speech "must not violate others' rights and there are laws for people to sue."

The Police Special Branch sent a number of "letters of cooperation" requesting the media to be cautious when reporting sensitive political or social issues, including news that could affect national security negatively. Although these "letters of cooperation" had no legal standing, they may have inspired self-censorship. In March, the Nation reported that it had acquired a copy of one of these letters, sent from the National Police to a supervisor of a police-owned radio station. The letter instructed the recipient to ensure that an evening news discussion program exclude criticism of the Government's plan to privatize major state enterprises. The letter, signed by a police captain, said the PRD wanted daily tapes of the program hosted by journalist and political activist Samarn Sri-ngarm to ensure that opposition to privatization plans had not been broadcast. Samarn's program soon was taken off the air. The Police Special Branch, the only entity authorized to issue such letters, told diplomatic representatives that it had not authorized the letter.

Cultural events were more directly censored, usually for reasons of public decency. Under the 1930 Film Act, theater owners and broadcasters must submit films they plan to show to the film censorship board for review. The board is composed of officials representing the Ministry of Education, the Ministry of University Affairs, the military, the Department of Religious Affairs, and the Ministry of Foreign Affairs. The board may ban a film if its requirement that portions of the film be deleted are not met. Reasons for censoring films include violating moral or cultural norms and disturbing the public order or national security. Theater owners and broadcasters frequently censored films themselves before submitting them to the board. According to the board, 4 of the 282 films submitted for review in 2003 were banned--3 South Korean and 1 American. Officers at the censorship board cited sexual situations and nudity as the main reasons for banning the four films.

During the year, for the first time, the Government censored the Internet directly. Newspapers reported that in December 2003, the Information and Communications Technology Ministry set up a Cyber Inspector Team to monitor and ban websites featuring pornography and other inappropriate content. The chairman of the Cyber Inspector Team and an advisor to the Prime Minister said the organization was created in November 2003 and had more than 100 volunteers surveying "unsuitable" websites, such as pornography sites and sites offering illegal products. The Government began distributing a growing blacklist of websites, both domestic and foreign, to government and private Internet service providers (ISPs) to be blocked. Compliance by the ISPs in blocking routine access to these websites was universal. Most of the sites blocked were deemed pornographic; however, some were blocked for promoting violent opposition to the Government or secession. According to the Cyber Inspector Team, by May 13, they had "closed" 1,574 websites. All carried content concerning pornography, pornographic material, anti-Thai goods and services messages, or illegal products and services. The Government announced that an additional 2,500 websites were blocked in December and included sites hosted within and outside the country.

Following violence in the south, the Government enhanced efforts to block websites viewed as threatening to national security. On August 15, a press report said authorities blocked access to the Pattani United Liberation Organization (PULO) website, which advocated southern Muslim separatist ideas and violence. The authorities accused PULO of supporting the unrest. Internet providers enforced the ban, informing their customers that they had blocked access to the website.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely. Private associations must register with the Government; such registration was approved routinely.

On October 25, more than 80 persons died in Pattani, most while in the custody of security forces, after being detained following a violent demonstration calling for the release of 6 persons arrested for illegal weapons sales (see Section 1.a.). There were no other reports that security forces forcibly disrupted demonstrations during the year.

In December, charges against 20 of the 32 protesters arrested in 2002 after demonstrating in Hat Yai against a gas pipeline were dropped, and the remaining 12 were freed on bail. In July, the Songkhla Provincial Court accepted a lawsuit filed by a local NGO against a provincial police commander involved in the 2002 clashes between police and demonstrators, which left dozens injured.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it restricted the activities of some groups. The Constitution requires that the monarch be a Buddhist. The state religion in effect is Theravada Buddhism; however, it is not designated as such.

The Government played an active role in religious affairs. The Religious Affairs Department, which is located in the Ministry of Education, registered religious organizations. Under the Religious Organizations Act, a new religion can be registered if a national census shows that it has at least 5,000 adherents, represents a uniquely recognizable theology, and is not politically active. To register, a religious organization also is required to be accepted into one of the five officially recognized ecclesiastical groups: Buddhist, Muslim, Catholic (which includes four Protestant sub-groups), Brahmin-Hindu, and Sikh. Since 1984, the Government has not recognized any new religious groups. Government registration conferred some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Unregistered religious organizations did not receive these benefits but operated freely in practice.

The Constitution requires the Government "to patronize and protect Buddhism and other religions." The Government subsidized the three largest religious communities (Buddhist, Islamic, and Christian) by allocating approximately \$45.8 million (1.83 billion baht) during the fiscal year to support these groups. These funds supported Buddhist and Muslim institutes of higher education, religious education programs in public and private schools, daily allowances for monks and Muslim clerics who held administrative and senior ecclesiastical posts, and travel and healthcare for monks and Muslim clerics. This figure also included an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani. The Government provided funding to Christian organizations to support social welfare projects. Catholic and Protestant groups could request government support for renovation and repair work but did not receive a regular budget to maintain church buildings, nor did they receive government assistance to support their clergy. Private donations to registered religious organizations were tax deductible.

Religious instruction in Buddhism and Islam was required in public schools at both the primary (grades 1 through 6) and secondary (grades 7 through 12) education levels. Students in each grade also took a course called "Social, Religion, and Culture Studies." The course contained information on all five of the recognized religions in the country. Students who wished to pursue indepth studies of any religions could study at a religious school and transfer credits to a public school.

In May, the Government began registration of over 200 traditional Islamic "pondok" schools in the Provinces of Yala, Pattani, and Narathiwat. In the past, these previously unregistered Islamic religious schools had no government oversight or funding.

The Government permitted foreign missionary groups to work freely throughout the country. The number of officially registered foreign missionaries was limited to a religious and denominational quota established in 1982, but religious organizations reported that unregistered missionaries were able to proselytize. Activities of Muslim professors and clerics were subjected to disproportionate scrutiny on national security grounds.

Muslims, who represented between 5 and 10 percent of the country's population nationwide and constituted the majority in four of the five southernmost provinces, also experienced some economic discrimination. The Government attempted to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

Under the 1935 Civil Servant Uniform Act, Muslim female civil servants were not permitted to wear headscarves when dressed in civil service uniforms. Muslim female civil servants who were not required to wear uniforms were allowed to wear headscarves. In practice, most female civil servants were permitted by their supervisors to wear headscarves if they wished to do so, particularly in the country's southernmost provinces.

The 1962 Sangha Act specifically prohibits the defamation or insult of Buddhism and the Buddhist clergy. The Penal Code prohibits the insult or disturbance of religious places or services of all of the recognized religions in the country.

Violence committed by suspected Islamic militants in the southern provinces of Narathiwat, Pattani, Songkhla, and Yala affected the ability of some Buddhists in this predominantly Muslim region to undertake the full range of their traditional religious practices. During the year, unknown assailants killed at least four Buddhist monks and attacked several Buddhist temples and one Chinese shrine. In three incidents, unknown assailants beheaded Buddhist civilians and left notes warning that other Buddhists might share the same fate. A number of monks reported that they no longer were able to travel freely through southern communities. Monks also claimed that, out of fear of being targeted by militants, laypersons sometimes declined to assist them in their daily activities.

On almost a daily basis, militants continued to kill government officials, such as teachers and railway employees, in the southern part of the country. Many officials presumed that the killing of Buddhist monks and laypersons who apparently were targeted solely because of their religious beliefs was intended to increase interfaith tensions. Interfaith tension varied greatly from district to district, and, in some locales, even from village to village. The violence contributed to an atmosphere of fear and suspicion in the southern provinces; however, it did not result in open communal conflict.

The Government stationed troops to protect religious practitioners and structures in communities where the potential for violence existed and provided armed escort for Buddhist monks where necessary. The Government also offered compensation to the families of 106 Islamic militants killed while attacking security forces on April 28 and allocated funds for the restoration of the Krue Se Mosque, which soldiers damaged during the fighting (see Section 1.a.).

Government officials reportedly continued to monitor Falun Gong members, although with decreased vigilance. The Falun Gong group in the country submitted an application to register as an association with the National Cultural Commission and an application with the police to print and distribute a weekly magazine. At the end of the year, both requests were pending consideration by authorities, but the group was able to print and distribute religious materials both in Thai and Chinese on a small, informal basis for free distribution.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of citizens to change their residence or workplace, and the authorities generally respected this right in practice; however, there were some exceptions. Longstanding written restrictions remained in effect on the travel and domicile of certain Vietnamese resident aliens who immigrated to the country in 1945 and 1946 and on Chinese who immigrated between 1953 and 1961. In addition, other longtime noncitizen residents, including hundreds of thousands of ethnic Shan and tens of thousands of other members of tribes, were required to seek permission from local authorities or the army for foreign and domestic travel. Registered resident aliens moved freely within the country.

There were periodic unconfirmed reports that the Government continued to monitor the movements of Tibetan and democracy activists, as well as members of the Falun Gong.

The Government limited the economic sectors and provinces in which migrant workers may hold jobs. The Government offered legal registration for illegal migrant workers. Approximately 1.2 million migrants registered (see Section 6.e.).

The Government did not extend displaced person status to the many members of the Shan ethnic minority who crossed the border fleeing the effects of forced relocation, other human rights violations, and sporadic fighting in Shan State, Burma. However, in May 2002, the Government granted temporary shelter to approximately 450 Shan who fled fighting in Burma across the border from Chiang Mai Province. In 2002, the Government announced plans to repatriate the group. The Government later delayed the repatriation following an appeal by NGOs. No effort was made by the Government to repatriate the group, and local civilian and military authorities said they would be allowed to stay as long as their home districts in Burma were unsafe to return to. At year's end, the group, numbering 650 persons, remained in the country; some were staying at temporary shelters provided by the Government, while others were residing with relatives in the country.

The Constitution prohibits forced exile, and the Government did not practice it.

The law does not provide for granting asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, the Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the Government continued to provide temporary protection to Lao asylum seekers and many Burmese. The Government continued to allow the UNHCR to monitor and provide protection to more than 140,000 Burmese refugees designated by the Government and the UNHCR as "persons of concern" living in 9 camps along the frontier with Burma. However, the Government prohibited the UNHCR from maintaining a permanent presence in the border camps and officially registering new refugees.

In July, the Government deported 16 Lao nationals convicted of illegal immigration and weapons violations. The UNHCR was

denied access to these persons to assess claims made through their attorney for political asylum.

Along the border with Burma, the Government generally provided temporary protection to new arrivals. In 1999, provincial refugee screening committees were established to determine eligibility to enter the refugee border camps. Entrance was limited to those fleeing actual fighting rather than on broader grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion. Since 2002, Ministry of Interior (MOI) officials in the border provinces have opted not to convene refugee screening committees. The UNHCR and the MOI continued discussions on reconstituting these boards. The unregistered population in the refugee camps continued to increase. In late November, the UNHCR began updating its earlier camp census using a computerized registration that included photographs, fingerprints, and family histories of all those living in the nine camps. This process was expected to be completed by mid-2005.

The Government allowed NGOs to provide food, medical services, housing, and other services to Burmese refugees near the border. However, the Government did not allow NGOs to aid ethnic Shan refugees. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as "persons of concern" by the UNHCR. Those arrested generally were taken to the border and released without being turned over to Burmese authorities.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. The country is a democratically governed constitutional monarchy.

Since 1992, there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. Voting is compulsory. Eligible voters who fail to exercise their franchise, except for those excused, are subject to the loss of certain rights, including the right to be a candidate in future elections. The Constitution prohibits Buddhist monks and nuns from seeking public office. The most recent parliamentary elections were held in January 2001. The election process generally was viewed as free and fair; however, it was marred by widespread vote buying, a recurrent problem. Exercising its constitutional mandate to prevent election fraud, the Election Commission dismissed polling results and held a total of 5 rounds of re-votes in 72 constituencies due to "election irregularities." During the campaign before the 2001 vote, there were 25 killings of political canvassers, at least some of which were motivated politically (see Section 1.a.). In February 2001, the coalition Government of Prime Minister Thaksin Shinawatra's Thai Rak Thai Party was formed. The next general election was scheduled to be held February 6, 2005.

Corruption in the executive branch was widely acknowledged by the public. The acceptance of bribes by police and local government authorities for routine services was common. The NCCC reported that, through June, it had more than 6,000 pending investigations of corruption of government officials; of these, 1,122 had been reported during the year. In November, former Public Health Minister Rakkiat Sukthana began serving a 15-year prison sentence for corruption. Two other high-profile cases involved a former Member of Parliament (M.P.) and a provincial vice governor. The Constitutional Court barred the former M.P. from any political activity for 5 years. The vice governor was relieved of his duties, and the Anti-Money Laundering Office confiscated some of his assets. In August, the Prime Minister announced a "war on corruption." At year's end, details of this effort had not been released in detail to the public.

The Constitution and the 1997 Official Information Act both provide access to public information. If a government agency denies a citizen's request for information, a petition may be made to the Official Information Commission. From January to July, 124 petitions and 103 appeals were made. Approximately 99 percent of the petitions were approved. Requests for public information may be denied for reasons of national security, law enforcement, and public safety.

There were 40 women among the 453 remaining members of the 500-member House of Representatives and 21 women in the 200-member Senate. (During the year, a total of 47 members of the House resigned to be able to run for reelection, which reduced the number of House members to 453.) There were 2 women in the 35-member Cabinet. Although half of civil service employees were women, only 15 percent held senior positions. Few ethnic minorities held positions of authority in national politics. Muslims from the south held significant elected positions, although they continued to be underrepresented in appointed local and provincial government positions. There were 8 Muslim and 2 Christian Senators, and 16 Muslim and 3 Christian Members of the House of Representatives. Two M.P.s were hill tribesmen.

Noncitizen members of hill tribes were barred from participating in the political process (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. Several international organizations have a permanent presence in the country, including the ICRC and many U.N. agencies. However, NGOs that dealt with sensitive political issues, such as the Burmese democracy movement, faced periodic harassment.

Very few NGOs were accorded tax-exempt status, which sometimes hampered the ability of domestic human rights organizations to secure adequate funding.

The Government met and cooperated with visitors from the ICRC and the UNCHR throughout the year. In November, the UNCHR Special Rapporteur on Extrajudicial, Summary or Arbitrary Killings requested permission to visit the country following the incident in Tak Bai in October (See Section 1.a.). At year's end, the Government had not publicly announced a date for the visit.

The NHRC was active during the year. As an independent government entity, it submitted an annual evaluation of the human rights situation to the National Assembly, proposed policies and recommendations for amending laws to the National Assembly, promoted measures to educate citizens on human rights, and investigated human rights abuses. Modest staffing and resources, as well as the lack of power to prosecute or to punish violators, hampered the NHRC's ability to carry out its mandate. In August, the NHRC released a draft report on the human rights situation covering the years 2001 to 2003. The report accused the Government of significant human rights violations, including extrajudicial killings in the 2003 "war on drugs." Other allegations included government interference with the media and executive branch circumvention of the required legislative approval for government projects. The report accused the Government of "regressing toward a culture of authoritarianism, instead of progressing to a culture of human rights."

In July, military authorities searched the quarters of 15 students from Prince of Songkhla University who were working as human rights volunteer researchers under the auspices of the NHRC. According to the NHRC, the students stopped working on human rights issues for the commission due to fear for their personal safety. In May, media reports indicated that some NHRC commissioners received written death threats following the commission's investigations of alleged human rights abuses in the southern region of the country.

Both Houses of Parliament maintained subcommittees on human rights. The Senate subcommittee was active in investigating allegations of human rights abuses in the south.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status; however, in practice, some discrimination existed, and government enforcement of equal protection statutes was uneven.

Women

Domestic violence against women was a significant problem and occurred across all social classes. Specific laws concerning domestic violence have not been enacted. A few domestic violence crimes were prosecuted under Penal Code provisions for assault or violence against the body of a person. Domestic violence often went unreported, and the police often were reluctant to pursue reports of domestic violence. Reliable statistics on rates of domestic violence were difficult to obtain. A 2003 study by the Institute for Population and Social Research at Mahidol University found that up to 41 percent of the women surveyed in Bangkok had experienced some type of physical or sexual violence. NGO-supported programs designed to aid victims included emergency hotlines, temporary shelters, counseling services, and a television program that intended to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The Government's "one-stop" crisis centers, located in state-run hospitals, continued to care for abused women and children but faced budget difficulties.

Rape is illegal. Through July, the Police Department reported 2,966 reported rape cases nationwide. There are no provisions for prosecuting spousal rape. According to academics and women's rights activists, rapes and domestic assaults were underreported, in part because law enforcement agencies were perceived to be incapable of bringing perpetrators to justice. Police sought to change this perception and encouraged women to report sexual crimes through the use of teams of female police officers who operated in metropolitan Bangkok police stations and in three other provinces. The Criminal Code specifies a range of penalties for rape or forcible sexual assault, depending on the age of the victim, degree of assault, and the physical and mental condition of the victim after the assault. The minimum penalty is imprisonment for 4 to 20 years and a fine of \$200 to \$1,000 (8,000 to 40,000 baht). If firearms or explosive are used, or if it is a serial rape, the penalty increases to 15 to 20 years' imprisonment and a fine of \$750 to \$1,000 (30,000 to 40,000 baht). Life imprisonment or execution is possible for cases in which the victim is injured or killed. A sentence of 4 to 20 years' imprisonment and a fine ranging from \$200 to \$1,000 (8,000 to 40,000 baht) is imposed for statutory rape of a child under 15 years of age. If the victim is under 13, the jail term ranges from 7 years' to life imprisonment. The Criminal Code also provides that any individual convicted of the same criminal offense for the second time within 2 years is liable to increased penalties for recidivism. Police officials increasingly used these powers, and the Government reported 211 persons arrested (in 103 cases) in 2003. Eighty-six cases were referred for prosecution. There were 11 convictions, mostly from arrest cases dating to 2002 and 2003. Victims of sexual abuse were eligible to receive state financial aid of up to \$750 (30,000 baht).

Prostitution is illegal, but it flourished. Prostitution often was protected by local officials with a commercial interest in it (see Sections 1.d. and 5, Trafficking). Trafficking in women and children for prostitution was a serious problem (see Section 5, Trafficking). Government and NGO estimates of the number of women and children engaged in prostitution varied widely. Many NGOs and government departments reported a figure of 200,000 persons, which was considered conservative. In 2000, the Commission on Women's Affairs estimated that approximately 20 percent of prostitutes were children. There were reports that women were forced into prostitution in border areas, but the number of such cases was difficult to determine. The majority of

prostitutes were not kept under physical constraint, but a large number worked under debt bondage (see Section 5, Trafficking). The Prostitution Prevention and Suppression Act makes child prostitution illegal and states that customers who patronize child prostitutes are subject to criminal sanctions. Parents who allow a child (defined as under 18 years of age) to enter the trade also are subject to criminal sanctions. During the year, there were three arrests and no prosecutions of parents who allowed a child to enter the trade. NGOs and government agencies provided shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism was a problem (see Section 5, Trafficking).

The Labor Protection Act makes sexual harassment illegal but covers only persons working in the formal private sector. NGOs claimed that the legal definition of harassment was vague and made the prosecution of harassment claims difficult. No sexual harassment cases were prosecuted during the year. A senior politician accused of sexually harassing a female journalist in 2002 withdrew his libel lawsuit against her newspaper after the newspaper announced that the alleged incident was only a "misunderstanding."

The Constitution provides for the equality of all citizens; however, some inequalities in the law remained. For example, a man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband publicly has acknowledged another woman as his wife. Assets are shared equally at divorce. Women born in wedlock inherit property on an equal basis from their parents; women born out of wedlock must prove before a court their parental relationship to receive their inheritance.

Women had equal access to higher education, and more than half of university graduates were women. However, police and military academies (except for the nursing academy) did not accept female students, although a significant number of instructors at the military academies were women. Women constituted 48 percent of the labor force and held an increasing share of professional positions. Women also were able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring was common, and there was a significant gap between the average salaries earned by men and women because women were concentrated in lower-paying jobs. In practice, women also received lower pay for equal work in virtually all sectors of the economy. A 2001 Ministry of Labor survey revealed that, on average, men earned 17 percent more than women.

The National Human Rights Commission Act specifies that at least one-third of the members of the NHRC be women; during the year, 5 of the 11 commissioners were women. The Women and Constitution Network, a league of 52 women's organizations, advocated legal reforms to address inequities in the treatment of women. It continued to play an important role in securing the inclusion of gender-equality clauses in legislation that created new government organizations mandated by the Constitution.

Children

The Constitution provides children equal protection under the law. Education is compulsory through grade 9 and free through grade 12. In general, girls and boys attended primary and secondary schools in equal numbers. An estimated 96 percent of children completed grade 6, and 48 percent completed grade 12. Young girls were prohibited by religious practice from enrolling in religious schools restricted to Buddhist monks or novices.

Although there were 52 Juvenile Observation and Protection Centers nationwide, children were tried in the same courts as adults and detained with adults in some regions of the country.

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment carry harsher penalties if the victim is a child. During the year, police were reluctant to investigate abuse cases, and rules of evidence made prosecution of child abuse difficult. The law is designed to protect witnesses, victims, and offenders under the age of 18, and procedures allow children to testify on videotape in private surroundings in the presence of a psychologist, psychiatrist, or other social worker with a judge's consent. However, many judges declined to use videotaped testimony, citing technical problems and the inability to question accusers and defendants directly in court. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for commercial sexual exploitation, remained a serious problem (see Section 5, Trafficking). Pedophilia continued, both by citizens and by foreign sex tourists. The Government, university researchers, and NGOs estimated that there were as many as 30,000 to 40,000 prostitutes under 18 years of age, not including foreign migrants. The Prostitution Prevention and Suppression Act of 1996 made child prostitution illegal and provided for criminal punishment for those who use prostitutes under 18. Parents who allow a child to enter the trade also are punishable. However, custom and tradition made it rare that children accused their parents in court proceedings. Despite press reports detailing a number of such cases, only three arrests occurred.

Child labor remained a problem (see Section 6.d.).

Although it was difficult to estimate the numbers, there were believed to be approximately 20,000 street children in major urban centers. Many were thought to come from neighboring countries, especially Cambodia and Burma. Bangkok authorities

attempted to provide shelters; however, resources were inadequate, and many of the children reportedly avoided the shelters for fear of being detained and expelled from the country.

There were many local NGOs that worked to promote children's rights in the country. Employers' organizations, such as the Employers' Confederation of Thailand, also were involved in child labor issues. These organizations received good working support from the Government.

Trafficking in Persons

The law prohibits trafficking in persons; however, the country was a source, transit, and destination for trafficking in women and children for a variety of purposes, including indentured servitude, forced labor, and prostitution. Some local officials, immigration officers, and police reportedly either were involved in trafficking directly or took bribes to ignore it. Penalties vary according to the age of the victim and the method of trafficking. In general, the law provides for imprisonment of a year to life imprisonment and a fine of \$50 to \$1,000 (2,000 to 40,000 baht). For offenses against children between 15 and 18 years of age, the potential punishment is 3 to 15 years of imprisonment and a fine of \$150 to \$1,000 (6,000 to 40,000 baht). For offenses against children under 15 years of age, the penalty ranges from 5 to 20 years' imprisonment and a fine of \$250 to \$1,000 (10,000 to 40,000 baht). If the offense is committed with deceit, threat, physical assault, immoral influence, or other mental coercion, the sentences and fines may be increased by one-third.

In January, the Parliament amended the Anti-Money Laundering Act to include the 1997 Measures in Prevention and Suppression of Trafficking in Women and Children Act as a predicate offense. During the year, officials acted to seize assets of suspected traffickers in six cases.

In general, the Government cooperated with governments of other countries in the investigation of transnational crimes, including trafficking. The receiving country generally initiated trafficking case investigations in instances where Thailand was the origin country. The Government intensified efforts to investigate rings associated with smuggling female citizens abroad. The law allows for extradition of its nationals; however, no citizens were extradited for trafficking-related offenses. Several requesting-country nationals charged with trafficking-related crimes, including pedophilia, were extradited to Japan, Australia, and Germany.

There were no reliable estimates of the magnitude of the trafficking phenomenon in the country. Some portion (thought by the U.N., NGOs, and the Government to be a minority) of the estimated 200,000 to 300,000 sex industry workers in the country were either underage or in involuntary servitude or debt bondage. These organizations believed women and children (particularly girls) tended to be the most frequent trafficking victims. Although it drew less attention, anecdotal evidence suggested that the trafficking of men, women, and children into other labor fields, such as commercial fisheries or sweatshop work, was a significant portion of all trafficking. Several discoveries were made of groups of young migrant women and girls, particularly from Laos, employed in indentured servitude and in physical constraint in sweatshops. NGOs assisted some victims to obtain back wages from abusive employers.

Within the country, women were trafficked from the impoverished northeast and the north to Bangkok for sexual exploitation. However, internal trafficking of women appeared to be on the decline, due to prevention programs and better economic opportunities. Women also were trafficked to Japan, Malaysia, Bahrain, Australia, South Africa, Europe, and the United States, chiefly for sexual exploitation but also for sweatshop labor. Men were trafficked into the country for commercial fisheries and farm, industrial, and construction labor. Prosecution of traffickers of men was complicated by the lack of coverage contained in the 1997 Trafficking in Women and Children Act.

Women and men were trafficked from Burma, Cambodia, the People's Republic of China (PRC), and Laos for labor and sexual exploitation. Boys and girls were trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. Young children, either orphans or those sold by their families, were among them. Entire families occasionally were trafficked for labor in sweatshops. Underage boys reportedly were brought into the country for specialized work in which small size was an advantage. According to domestic NGOs, girls between the ages of 12 and 18 continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Social workers noted that young girls were prized because their clients believed that they were free of sexually transmitted diseases. Persons trafficked from the PRC often were in transit to other countries, although women and girls from Yunnan Province generally were destined for brothels in the north. Generally victims from Yunnan Province were lured into the country with promises of restaurant or household work and then were pressured or physically forced into prostitution.

The U.N. Economic and Social Council and NGOs believed that the lack of citizenship status for some hill tribe women and children was a strong risk factor for becoming victims of trafficking. Although members of this group were not a large percentage of trafficking victims, they were found in disproportionately large numbers in situations entailing the worst forms of trafficking.

Trafficking within the country and from neighboring countries into the country tended to be perpetrated by loosely organized small groups that often had close ties in the source communities. Burmese, Laotian, Cambodian, and Thai individuals were involved in labor trafficking along the border. Informal chains of acquaintance often were used to recruit trafficking victims. In some cases, the traffickers themselves were former victims, particularly where the sex industry was the destination. There were credible reports that low-ranking police and immigration officials transported women destined for brothels from the border to Bangkok and other areas of the country.

The trafficking of Thai prostitutes abroad, and that of Chinese nationals using the country as a transit point, was done by sophisticated and well-financed international criminal syndicates that sometimes cooperated with each other and at other times competed violently. Low- and mid-ranking immigration police officers at Bangkok's international airport also were implicated in facilitating the travel of Thai sex workers and Chinese nationals using false passports and other documentation.

Police personnel were poorly paid and were accustomed to taking bribes to supplement their income.

The majority of prostitutes were not kept under physical constraint, but a large number worked in debt bondage. Brothel procurers reportedly advanced parents a substantial sum against their child's future earnings, frequently without the consent of the child involved, who was then obligated to work in a brothel to repay the loan.

Many female citizens were trafficked to Japan for sexual exploitation. Traffickers promised victims lucrative legitimate employment or made false promises regarding wages, working conditions, or the nature of the work. According to Human Rights Watch, upon the victims' arrival in Japan, the traffickers confiscated their passports, demanded repayment for their "purchase," charged the victims for living expenses and care, and fined them for misbehavior. Traffickers often restricted the women's movements, threatened them and their families, isolated them, and used violence to punish them for disobedience.

Because foreign women frequently were unable to speak the language and were considered illegal immigrants, they were particularly vulnerable to physical abuse and exploitation. Some women were lured into the country with promises of jobs as waitresses or domestic helpers but ended up working as prostitutes. Illegal immigrants had no rights to legal counsel or health care if arrested. The amnesty provisions available under UNHCR auspices did not apply to such women. In May, a series of memorandums of understanding (MOUs) between government agencies and between the Government and domestic NGOs provided some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The agreements stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Instead of being deported, they become the responsibility of the Public Welfare Department. However, implementation of the MOUs continued to be erratic during the year, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

Official corruption facilitating the worst forms of trafficking in persons was generally at the low- and mid-levels. There was no evidence that high-level officials benefited from or protected the practice. Compromised local police protected brothels and other sex venues from surprise raids. Corrupt immigration officials assisted (both indirectly and directly) the movement of Burmese, Lao, and Chinese women and girls into the country, and of Chinese victims out of the country to the United States and other destinations. Officials found complicit in any part of the illegal economy rarely were prosecuted but instead were moved to positions thought to limit opportunities for future corruption.

Several NGOs, both local and international, and government agencies worked with trafficking victims. However, the Government faced severe budgetary limitations on its ability to fight trafficking and to aid its victims.

In general, victims pending repatriation were brought to government-run shelters or, in the case of noncitizens, to NGO-run shelters. The repatriation process took up to 6 months. Through September, the main government shelter in Bangkok received approximately 385 women and children from neighboring countries and 287 Thai citizens, including women found in voluntary prostitution and domestic abuse cases. There were no reliable statistics on how many of these persons were victims of trafficking. The Government provided food, medical care, and limited psychological counseling.

Trafficking victims received limited legal assistance from NGOs and Department of Welfare officials, and they generally were informed of the option of pursuing legal action against the trafficking perpetrators. However, relatively few opted to do so; language barriers, illiteracy, distrust of government officials, the lengthy legal processes, and fear of the traffickers played a role. Trafficking victims illegally in the country were not allowed to obtain employment while awaiting repatriation, even if they were involved in legal proceedings against the trafficker.

In February, police began an information campaign in Bangkok and Pattaya to increase public awareness of trafficking. More than 50,000 posters detailing the various forms of the crime were placed at public transportation venues, along heavily traveled roads, and in residential neighborhoods. Pamphlets were distributed at police stations and neighborhood police boxes. A hotline number for reporting suspected cases was included in the campaign.

The Government entered into cooperative arrangements with local industries, especially the hotel industry, to encourage youth (particularly girls) to find employment outside of the sex industry and other areas of exploitative work. Vocational training programs aimed at high school students also received funding. Although the vocational training was not intended explicitly for trafficking prevention, the practical effect was to increase the range of choices for recent school graduates.

Persons With Disabilities

The Constitution provides for access to public facilities and prohibits employment and education discrimination against persons with disabilities; however, the Government did not enforce these laws effectively.

The Constitution mandates access to public buildings for persons with disabilities, but laws implementing the provisions have not been enacted. The regulation that makes compliance mandatory was not enforced during the year. Persons with disabilities who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

Activists continued to work to amend laws that allow employment discrimination against persons with disabilities.

The Government provided 5-year interest-free small business loans for persons with disabilities. At year's end, 4,820 persons with disabilities had been granted loans totaling \$2.4 million (96 million baht).

During the year, an estimated 225,000 children with disabilities attended school. The Government reported that 12,550 students were enrolled in the 43 special schools for students with disabilities; the remaining were enrolled in regular public schools. Nationwide, there were 9 government-operated and 15 NGO-operated training centers for persons with disabilities. However, with little education, very few adults with disabilities were able to find employment. Many of those who found employment were subjected to wage discrimination. A 1991 law requires private firms to hire 1 person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision has never been enforced. Government officials estimated that between 20 and 30 percent of firms disregarded the law. Some state enterprises had discriminatory hiring policies.

National/Racial/Ethnic Minorities

Chinese Nationalist remnants and children of Vietnamese immigrants who resided in five northeastern provinces lived under laws and regulations that could restrict their movement, residence, education, and occupation (see Section 2.d.).

Indigenous People

Members of hill tribes without proper documentation, who accounted for approximately half of the estimated 1 million members of hill tribes, continued to face restrictions on their movement, could not own land, and were not protected by labor laws, including minimum wage requirements. The law provides that citizenship is not automatically granted to children born to persons living illegally or without status in the country. Lack of citizenship could make hill tribe persons vulnerable to other abuses and exploitation, such as trafficking (see Section 5, Trafficking). They sometimes were denied adequate education and health care. Those residing in national parks or wildlife sanctuaries were subject to eviction. As noncitizen residents, they also were barred from participating in the political process (see Section 3).

In 2000, the Ministry of Interior, through two Cabinet resolutions, redefined the category of hill tribe residents eligible for citizenship to include previously undocumented tribal persons, now collectively called "highlanders." The definition includes persons who formerly were defined either as indigenous or migrants. The regulations are designed to ease the requirements to establish citizenship by allowing a wider range of evidence, including testimony from references, and empowering local officials to decide cases. Approximately one-half of the potentially eligible candidates have received citizenship since the regulations were enacted. Activists reported that widespread corruption and inefficiency at all levels, including among highland village headmen and government officials, contributed to a backlog of pending citizenship applications, which remained an obstacle for many hill tribe persons to obtain full citizenship.

On July 23, 41 persons were arrested for illegally trespassing on national forest land. Those arrested were members of the Palaung hill tribe minority group and did not have citizenship; at year's end, they remained in prison in Chiang Mai.

A total of 105 of the 1,243 persons in Chiang Mai Province whose citizenship had been revoked regained citizenship through genetic testing. They had lost their citizenship in 2002 when Government officials claimed that irregularities in the issuance of their identification documents invalidated their claim to citizenship. The remainder of the persons won a ruling in Chiang Mai Administrative Court that restored their citizenship, but the Government appealed the ruling in the Supreme Administrative Court. Individual appeals with the Ministry of Interior on a case-by-case basis continued at year's end.

Hill tribe members continued to be objects of societal discrimination arising from the belief that they were involved in drug trafficking and environmental degradation. Hill tribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see Section 1.f.). In Chiang Rai, provincial authorities required all drug addicts to register with village committees and to join the program. Those who registered were granted immunity from prosecution. The program was aimed at separating drug addicts from drug traffickers.

Other Societal Abuses and Discrimination

The spread of HIV/AIDS was estimated to have infected approximately 1.8 percent of the population. During the year, the Government took measures to improve its support of persons with HIV/AIDS. For example, the Government provided funds to HIV/AIDS support groups, continued public debate at the highest levels of political leadership, sustained public education and media campaigns to alter unsafe behavior, started effective pilot projects to help lead policy, and included all segments of society in the fight against the transmission of the disease. Societal discrimination against persons with AIDS most often was found in the form of a psychological stigma associated with rejection by family, friends, and community. There were reports of

persons dying due to psychological withdrawal after being abandoned by their family. Reports of workplace discrimination were received by local AIDS hotlines, confirming that some employers refused to hire persons who tested positive following employer-mandated blood screening.

Section 6 Worker Rights

a. The Right of Association

The law allows all private sector workers to form and join trade unions of their choosing without prior authorization; however, the law provides inadequate protection of workers who participate in union activities. Union leaders and academic observers reported that employers often discriminated against workers seeking to organize unions. During the year, employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of unions. Trade union leaders can be dismissed for any reason, provided severance payment is made. In such circumstances, the law does not provide for reinstatement. In cases where the labor court finds that dismissal was for union activity and was illegal, reinstatement is provided for, but there are no punitive sanctions for employers.

Union officials must be full-time employees of the enterprise. This prohibition against permanent union staff limited the ability of unions to organize and be politically active. The Labor Relations Act also allows only two outside government-licensed advisors to a union. Union leaders and outside observers complained this restriction interfered with the ability to train union members and develop expertise in collective bargaining.

Less than 4 percent of the total work force but nearly 11 percent of industrial workers and over 50 percent of state enterprise workers were unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government to diminish union cohesiveness, and the sizeable agricultural and informal sectors (where unions are not permitted) were cited as reasons for low rates of labor organization.

State enterprise employees can join organizations of workers in the private sector, but only at the level of confederations. This restriction effectively divided the trade union movement along public and private sector lines. However, unofficial contacts at the union level between public and private sector workers continued, and the Government did not interfere with these relationships.

Some corrupt private sector union leaders were exploited by politicians or employers, but public unions generally operated independently of the Government and other organizations. Internal conflicts, corruption, and a lack of leadership weakened the labor movement.

b. The Right to Organize and Bargain Collectively

The law provides for the right of citizen private-sector workers to organize and bargain collectively; however, the Government's efforts to protect this right were weak. The Labor Relations Act defines the mechanisms for collective bargaining and for government-assisted conciliation and arbitration in cases under dispute. In practice, genuine collective bargaining occurred only in a small fraction of workplaces, and, in most instances, it continued to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers. Wage increases for most workers came as a result of increases in the minimum wage rather than as a result of collective bargaining. The process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees excluded labor representatives and placed factory managers on the wage committees to represent worker interests. The minimum wage increase in the year did not keep pace with inflation. The Government sets wages for both civil servants and state enterprise employees under the State Enterprise Labor Relations Act (SELRA) (see Section 6.e.).

The Government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invoked this provision and did not do so during the year. Labor law also forbids strikes in "essential services," which is defined much more broadly than in the International Labor Organization (ILO) criteria, and includes sectors such as telecommunications, electricity, water supply, and public transportation as essential services. The law also prohibits termination of employment of legal strikers; however, some employers used unfavorable work assignments and reductions in work hours and bonuses to punish strikers. Employers are legally permitted to hire workers to replace strikers. SELRA provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state enterprise workers. Ongoing antiprivatization protests by state enterprise employees of the Electrical Generating Authority of Thailand were undermined by management threats of demotions and undesirable work assignments against some workers who assembled outside of work hours. Strike action in the private sector was constrained by the legal requirement to call a general meeting of trade union members and to have a strike approved by 50 percent of unionists. During the year, there was 1 legal strike involving 1,700 workers, and there were 4 lockouts involving 1,876 workers.

The law prohibits antiunion actions by employers; however, it also requires that union committee members be full-time employees of the company, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector. Workers also may seek

redress for grievances through the Tripartite Labor Relations Committee. The law authorizes the Ministry of Labor to refer any private sector labor dispute for compulsory arbitration by a government-appointed group other than the Labor Relations Committee. Although the legal authority seldom was used, the ILO viewed this provision as acceptable only in defined essential services. Redress of grievances for state enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders unjustly dismissed were awarded only back wages with no punitive sanctions against the employer. This limited any disincentive for employers to fire union organizers and activists.

There are no special laws or exemptions from regular labor laws in export processing zones (EPZs), in which wages and working conditions often were better than national norms because of the preponderance of foreign-based multinational firms. However, union leaders alleged that employers' associations were organized to cooperate in discouraging union organization. Unions existed in the automobile and petroleum production facilities located in EPZs.

Noncitizen migrant workers, whether registered or illegally present, did not have the right to form unions or serve as union officials; however, registered migrants may be members of unions organized and led by citizens. From July through September, the Ministry of Labor offered a registration program for foreign workers residing illegally in the country, most of whom were from Burma. Few, if any, of the 1.2 million migrants who registered joined unions.

Attempts by registered migrant factory workers in factories to carry out work stoppages to demand minimum and back wages led to mass deportations, resulting from apparent collusion between factory owners and local government immigration officials.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including by children, except in the case of national emergency, war, or martial law; however, the Government was unable to enforce these provisions effectively in the large informal sector. During the year, there were reports of sweatshops in which employers prevented workers, primarily foreign migrants, from leaving the premises. There were no estimates of the number of such sweatshops, but the growing number of migrants from Burma, Cambodia, and Laos increased the opportunities for such abuse. NGOs and the ILO reported that thousands of underage boys and girls were brought into the country for labor on farms or in sweatshops, and very young children were used to work in street begging gangs.

Forced and bonded labor by children occurred (see Section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

In general, sufficient legal protections exist for children in the formal economic sector. The Labor Protection Act is the primary law regulating employment of children under the age of 18. Employment of children under 15 is prohibited in compliance with ILO Convention 138, which the Government ratified in May. However, the law does not cover the agricultural and informal sectors, including domestic work, which employ the majority of persons in the workforce, including many child workers. The minimum working age is coordinated with the mandatory national educational requirement. To comply with ILO convention 182, the Government drafted a national strategy to eliminate the worst forms of child labor. At year's end, approval by the Cabinet was pending the appointment of a national-level subcommittee to implement the strategy. However, child labor remained a problem, particularly in small-scale industry and agricultural sectors. Contradictory statistical surveys by various government agencies, which largely ignored foreign children and those in illegal industries, made an estimate of the scope of the phenomenon difficult.

The law permits the employment of children between the ages of 15 and 18 only in "light work," where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is limited. The law prohibits employment of children at night (from 10 p.m. to 6 a.m.), or in places in which alcohol is served. It was estimated that approximately 1 million children worked on family farms. NGOs reported that 2 to 4 percent of children between the ages of 6 and 14 worked illegally in urban areas; such children were at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas worked in the service sector, primarily in gasoline stations, small-scale industry, and restaurants. Child labor was not evident in larger export-oriented factories. However, there was no comprehensive survey of child labor in smaller enterprises, since NGOs did not have access to shop house factories. A 2002 survey by the National Statistics Office reported 10,728 children were employed in domestic work. NGOs reported child domestic workers were predominantly foreign, migrating from Burma, Cambodia, and Laos. Most were in the country illegally, increasing their vulnerability to exploitation. Minimum wage and age provisions of the Labor Protection Act do not apply to domestic workers, some of whom were believed to be under 15 years of age.

The worst forms of child labor occurred in the country. Children (usually foreign) were exploited in street selling, begging, and prostitution in urban areas, sometimes in a system of debt bondage. Some were sold or otherwise trafficked by parents or other relatives (see Section 5). An ILO study noted that drug merchants in Bangkok used male children as delivery boys. Narcotics sellers preferred boys because they were undemanding and were not charged as adults if arrested. Instead, they were remanded to police-run correctional homes.

The Ministry of Labor is the primary agency charged with enforcing child labor laws and policies. During the year, there were

2,354 labor inspection officers, including labor ministry officials and policemen who registered as labor inspection officers. Enforcement of child labor laws was not rigorous, and inspectors usually responded only to specific public complaints, reports of absences by teachers, or reports in newspapers. Their inclination when dealing with violators was to negotiate promises of better future behavior rather than seek prosecution and punishment. Inspection of private homes to monitor the welfare of child domestic workers was hampered by the legal requirement to obtain a warrant. In 2003, 1,869 child labor inspections and investigations were performed; 64 resulted in fines or other penalties.

The Government funded 200,000 scholarships for poor citizen and stateless children (children of ethnic minorities born in the country). The intent of the scholarship program was to provide educational opportunities for children who otherwise might be forced by poverty to find work. In July, the Government registered 79,200 migrant children 15 years of age and younger, the first time minors had been given temporary residence permits under migrant labor policy. Government officials stated the new measure would permit foreign children access to the public school system. NGOs reported that this new provision was implemented only if the employer of the migrant parent provided evidence regarding the parent's status to school authorities. In most cases, the employer did not do so.

e. Acceptable Conditions of Work

The minimum wage ranged from \$3.33 to \$4.23 (133 baht to 169 baht) per day, depending on the cost of living in various provinces. The minimum wage was set by provincial committees that sometimes included only employer representatives. This wage was not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provided the basis for a marginally adequate overall standard of living. The official poverty rate was 78 cents (31 baht) per day, which permitted survival only in areas where subsistence agriculture was possible. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements (applicable to the formal sector); however, nationwide, academics estimated one-third of formal sector workers received less than the minimum wage, especially those in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum wage laws was mixed. Many labor laws, including the minimum wage law, do not apply to undocumented workers, primarily hill tribe members and illegal aliens. An estimated 1 to 2 million unskilled and semiskilled migrant workers worked for wages that were approximately one-half the minimum wage.

The Government mandated a uniform workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 35 hours per week and are not permitted overtime. The petrochemical industry is excluded from these regulations.

Working conditions varied widely. The official rate of injury from industrial accidents remained relatively constant over the last 10 years at 4.5 percent of the total work force. The Ministry of Labor stated that the average annual rate of work-related deaths was 15 per 100,000 workers. However, these rates applied only to industrial sector workers; the rate of incidents occurring in the larger informal and agricultural sectors, and among migrant workers, was thought to be higher. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. Stress-related disorders and complications resulting from botched abortions were reported by medical workers treating the 50,000 young migrant women employed in textile factories along the Burma border. In medium-sized and large factories, government health and safety standards often were applied, but enforcement of safety standards was lax. In the large informal sector, health and safety protections were substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers by prohibiting them from working on night shifts, overtime, holidays, or working with dangerous machinery or on boats. Employers of migrant women often fired workers who became pregnant.

The Ministry of Labor promulgates health and safety regulations regarding conditions of work; however, the inspection department enforced these standards ineffectively, due to a lack of human and financial resources. There is no law affording job protection to employees who remove themselves from dangerous work situations.

Redress for workers injured in industrial accidents was rarely timely or sufficient. Few court decisions were handed down against management or owners involved in workplace disasters.